

AMENDED IN ASSEMBLY APRIL 18, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1866**

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**Introduced by Assembly Member Smyth**

February 22, 2012

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An act to add Section 44050 to the Education Code, relating to school employees.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1866, as amended, Smyth. School employees: sex offenses: policy on parental notification.

Existing law requires the governing board of a school district to place a certificated or classified employee on a compulsory leave of absence in specified circumstances, including, among other circumstances, if the employee is charged by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of a sex offense, as defined.

This bill would require the governing board of a school district to develop and adopt a policy ~~to promptly notify~~ *relating to the manner in which* the parents or guardians of the pupils of the school district ~~if an employee of the school district has been placed on a leave of absence because the employee is being investigated for, or has been charged by complaint, information, or indictment filed in a court of competent jurisdiction with, committing~~ *may be notified, if at all, if an employee of the school district is alleged to have committed* a sex offense, as defined. The bill would require the governing board of the school district to consult with law enforcement agencies in developing this policy and

would require the governing board of the school district to make the policy publicly available. By imposing additional duties on the governing board of a school district, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares both of the*  
2     *following:*

3     *(a) It would be important for the governing board of a school*  
4     *district when consulting with law enforcement agencies in*  
5     *developing a policy related to the manner in which the parents or*  
6     *guardians of the pupils of the school district are to be notified, if*  
7     *at all, if an employee of the school district is alleged to have*  
8     *committed a sex offense, to develop the policy in a manner that*  
9     *does not compromise ongoing law enforcement investigations.*

10    *(b) At times, and in order to preserve the presumption of*  
11    *innocence, it may be necessary for a school district to deny the*  
12    *parents or guardians of the pupils of the school district access to*  
13    *the name, grade level, or other personally identifying information*  
14    *of an employee of the school district alleged to have committed a*  
15    *sex offense.*

16    **SECTION 1.**

17    **SEC. 2.** Section 44050 is added to the Education Code, to read:  
18    44050. (a) The governing board of a school district shall  
19    develop and adopt a policy ~~to promptly notify relating to the~~  
20    ~~manner in which the parents or guardians of the pupils of the school~~  
21    ~~district if an employee of the school district has been placed on a~~  
22    ~~leave of absence because the employee is being investigated for,~~  
23    ~~or has been charged by complaint, information, or indictment filed~~  
24    ~~in a court of competent jurisdiction with, committing may be~~

1 *notified, if at all, if an employee of the school district is alleged to*  
2 *have committed a sex offense, as defined in Section 44010.*

3 (b) The governing board of a school district shall consult with  
4 law enforcement agencies in developing the policy described in  
5 subdivision (a).

6 (c) The governing board of a school district shall make the  
7 policy adopted pursuant to subdivision (a) publicly available.

8 ~~SEC. 2.~~

9 *SEC. 3.* If the Commission on State Mandates determines that  
10 this act contains costs mandated by the state, reimbursement to  
11 local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.